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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/732,878	12/10/2003	James Cameron Gautney	H9998	6953
23456	7590	08/11/2004	EXAMINER JOYCE, HAROLD	
WADDEY & PATTERSON 414 UNION STREET, SUITE 2020 BANK OF AMERICA PLAZA NASHVILLE, TN 37219			ART UNIT 3749	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/732,878	GAUTNEY, JAMES CAMERON	
	<b>Examiner</b>	<b>Art Unit</b>	
	Harold Joyce	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3122004</u> .   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by either Conroy et al., Ward et al. or Lutz. Conroy et al., Ward et al. or Lutz are capable of performing the "designed to ..." clauses.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Conroy et al., Ward et al. or Lutz in view of Somersall. Conroy et al., Ward et al. or Lutz discloses the claimed invention except for the sloping sides. Somersall teaches that it is known to provide a cover with sloping sides as set forth at page 2, line 129 to page 3, line 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made for the upper housing of Conroy et al., Ward et al. or Lutz to have sloping sides, as taught by Somersall in order to provide an attractive and ornamental design thereto.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Conroy et al., Ward et al. or Lutz in view of Sauriol. Conroy et al., Ward et al. or Lutz discloses the claimed invention except for series of ridges. Sauriol teaches that it is known to provide a housing with corrugation or ridges as set forth at column 1, lines 15-21 and column 3, lines 14-17. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the housing of Conroy et al., Ward et al. or Lutz with the ridges, as taught by Sauriol in order to provide structural rigidity.

***Claim Rejections - 35 USC § 102***

6. Claims 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by either Conroy et al. or Ward et al. Conroy et al. or Ward et al. are capable of performing the "designed to ..." clauses.

***Claim Rejections - 35 USC § 103***

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Conroy et al. or Ward et al. in view of Deckas. Conroy et al. or Ward et al. discloses the claimed invention except for the curved portion. Deckas teaches that it is known to provide the fan system with a conventional blower as set forth at column 2, lines 25 and 26. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the fan of Conroy et al. or Ward et al. with the curve wall of the blower, as taught by Deckas in order to provide a conventional blower housing. Note, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the curve portion to be integral with the filter plate since it has been held that forming in one piece an article which has formerly been formed in two

Art Unit: 3749

pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Conroy et al. or Ward et al. in view of Lee. Conroy et al. or Ward et al. discloses the claimed invention except for the filter flap. Lee teaches that it is known to provide a air conditioner with a filter flap as set forth at column 4, lines 25-32. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the fan system of Conroy et al. or Ward et al. with a filter flap, as taught by Lee in order to prevent dusts and harmful materials from entering the unit.

9. Claims 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Conroy et al. or Ward et al. in view of Official Notice. Conroy et al. or Ward et al. discloses the claimed invention except for claimed clamp and motor support. Official Notice is taken that these features of conventional in a blower housing. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the system of Conroy et al. or Ward et al. with the aforementioned conventional structure for their intended purposes.

#### ***Claim Objections***

10. Claims 1 and 12 are objected to because of the following informalities: In claims 1 and 12, line 3, "lower" inherently should be changed to -- upper --. Appropriate correction is required.

Art Unit: 3749


**Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harold Joyce whose telephone number is (703) 308-0274. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703) 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Harold Joyce  
Primary Examiner  
Art Unit 3749